

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

CARLSBAD UNIFIED SCHOOL  
DISTRICT,

OAH Case No. 2015110488

---

CARLSBAD UNIFIED SCHOOL  
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2015110268

ORDER DENYING REQUEST FOR  
RECONSIDERATION

On February 22, 2016, Parents on behalf Student filed a request that the Office of Administrative Hearings set aside the settlement agreement reached in this consolidated matter entered between Parent and Carlsbad Unified School District, which occurred in mediation on January 28, 2016. Parents, who were represented by legal counsel at the mediation, who has subsequently withdrawn as counsel, contend that the settlement agreement was the product of duress. The settlement agreement is subject to approval by District's board. District did not submit a response. On March 1, 2016, the undersigned Administrative Law Judge denied Student's motion.

On March 21, 2016, Student filed a request for reconsideration. District did not submit a response.

APPLICABLE LAW

The Office of Administrative Hearings will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to provide an explanation for its failure to previously provide the different facts,

circumstances or law. (See *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199-1200.)

## DISCUSSION

Student alleges no new facts, circumstances, or law in support of the request reconsideration that would warrant setting aside the settlement agreement, as the purported confusion about a service provider is information that could have been provided sooner and by itself is not grounds for OAH to reconsider its prior ruling. Further, the request is not timely because it was not received within ten days after issuance of the order. Accordingly, Student's request for reconsideration is denied.

## ORDER

Student's Motion for Reconsideration is denied.

DATE: March 22, 2016

DocuSigned by:  
*Peter Paul Castillo*  
E0BCD8A6A62C4E9

---

PETER PAUL CASTILLO  
Presiding Administrative Law Judge  
Office of Administrative Hearings